

From: John Mills
Sent: Monday, March 28, 2005 3:29 PM
To: Dabbs, Paul
Cc: Guivetchi, Kamyar; Beutler, Lisa
Subject: AC Draft Review Comments...
Importance: High

Paul:

I have attached my technical comments on the current version of 160-05 (AC version) per your deadline. They are attached as a MS Windows Word file and alternately as a Macintosh Appleworks file. I hope that translation of the files is not a problem. In case it is, I have sent along the plain text (sans formatting) following this email.

If there are any questions please do not hesitate to contact me.

Thank you for the opportunity to review the document. I'd like to offer my personal thanks and admiration to you all for the hard work and commitment that has gone into producing the Plan.

Thanks again,

John

Comments on AC Review Draft State Water Plan -

These comments are provided in the form of mostly technical corrections or suggestions and not policy level comments. My clients in this process will be submitting formal comments on the public review version of the plan at the appropriate time. Absence of comments at this time on matters of policy or by subject matter should not be construed as indicating support, neutrality or opposition.

If you have any questions please do not hesitate to contact me.

Volume 1 -

Chapter 1

Page 1-3. It would be helpful if either here, or in the highlights document there was a short, sidebar illustration of a water portfolio to assist the reader in understanding this approach.

Page 1-4. Same form of comment with regard to Resource Management Strategies.

Page 1-5. It is not readily clear (final paragraph) what the difference is between a "...future uncertainty..." and a "scenario".

Page 1-6. How is the Chapter 5 (Implementation Plan) different than a strategy? Unless this is covered in the Highlights document the reader may be confused.

Page 1-13. The discussion on reducing flood impacts does not mention levees or their maintenance at all. Is this intentional? If so please amplify.

Page 1-15. Are the 2nd and 4th paragraphs suppose to be identical?

Chapter 2

Page 2-3. Second to last bullet in WUE subsection. To facilitate is to make something easier. Currently there is no requirement for CEQA review of socioeconomic impacts as part of a water transfer proposal. What surrogate process is anticipated to determine if a water transfer is "economically sound"? I ask this question, by casting a broader net of interests rather than just the water rights holder and look at the greater community of interest in the area the water comes from.

Page 2-8. Last bullet at top of page. DWR's role in "mediating" between potential regional planning conflicts is a role that will be critical to assuring a balanced and implementable statewide solution. Is this activity linked to what will be needed by DWR to carry this off, in terms of staffing and budget requirements somewhere later on in the plan? If not, it should be.

Page 2-9. With regards to aging mountain facilities, please note that some are well over a century old!

Page 2-21. Second to the last paragraph. This is an excellent explanation of integrated resource planning. You may wish to have this "called out" in another appropriate location as well - perhaps as a side bar?

Chapter 3 -

Page 3-3. Final paragraph. Please note that during droughts it is not uncommon for water quality in wells - especially shallow or uncased wells - in rural areas for the water quality to drop significantly as well.

Page 3-7. The section on people without clean and safe drinking water does not make it clear that many of these areas are rural areas - many in disadvantaged communities - with few if any alternate, affordable water sources. I believe some work by DWR done in years past in documenting this situation underscored this point. Perhaps it was the Governor's Drought Task Force? Jeanine Jones would probably recall.

Page 3-9. Third paragraph. With regards to aging local facilities, please note that some are well over a century old in the rural foothill areas.

Page 3-19. Under the Mountain Counties section there is no mention made of the potential for reoperation of existing facilities (dams, powerhouses etc.). There are approximately 105 projects which hold Federal Energy Regulatory Commission (FERC) licenses which are up for renewal in the next 10 years (within the Sierra Nevada's and the Cascades). Those FERC relicensings will be carried out under auspices of a Unified Federal Policy for Watersheds (Fed. Reg. Vol. 65, No. 35, 2/22/2000) and will involve an evaluation of many facilities which never have undergone environmental review under NEPA or CEQA, or an examination of their ongoing water operations with an eye towards local supply opportunities. The licenses which will ultimately be issued will likely have a 50 year time frame. Thus, during the implementation of Water Plan 160-05, there is a key opportunity for there to be a thorough integrated, watershed based evaluation of hydroelectric facilities with an eye towards providing local or regional water supplies as well as improved environmental conditions.

These very areas also suffer from the lack of a defined ground water table and instead rely on ground water in fractured hard rock formations - which are highly variable in depth, sustained yield and quality.

Similarly, the notion of water transfers also holds limited application in many of these mountainous areas. Therefore, it is paramount that the potential for reoperation of existing facilities for this region especially, be underscored as a possible source of water supply.

The water quality paragraph in this section should reference that many thousands of residential users in this area rely on single well systems which tap into fragmented hard rock formations with varying quality attributes and limitations. Further, the distribution systems in some of these areas are almost ancient in terms of infrastructure age.

Page 3-47. The section on hydroelectric facilities makes no mention of the process now underway for the relicensing of approximately 105 projects by the Federal Energy Regulatory Commission. Please see the preceding comments with regards to this very important aspect of hydro facilities.

Chapter 4 -

Page 4-15. The paragraph titled "Implications from Preliminary Analysis" is very important in terms of underscoring the need for sound, implementable, integrated regional planning processes. Perhaps this could be "called out" in a graphic if space allows.

Page 4-17. The section titled "Initial Insights" could expand a bit more (or maybe reference where to find) on the significance that regionally differing water demand changes will have on developing a statewide response to increasing demand in the future. This factor, combined with regional differences in response strategies based upon regional opportunities and constraints, will be intuitive to most water managers but not necessarily the Legislature in recognizing the value in local and regional strategies.

Page 4-21. The statement in the first paragraph that "The CDFA food forecast was not available for this water plan update." is not very illuminating. A reader with an interest in this subject matter will probably wonder why.

Page 4-29. The section "Relationships between Water Operations and Environmental Impacts" does a good job of laying out the uncertainty associated with environmental restoration efforts. In light of the emphasis on watershed based activities, it may be

helpful for the reader to know, that to date, there have been no large, landscape level watershed restoration efforts completed. The great majority of watershed restoration efforts in California are on fourth or fifth order streams.

Page 4-38 and 4-39. The small note below the two charts that points out the lack of inclusion of the 1 to 2 MAF per year of ground water overdraft is perhaps in too small a font and without a bold enough emphasis for the importance of the statement.

Chapter 5 -

Page 5-5. In the intended outcomes section (second bullet) shouldn't the target of disbursement of Prop. 50 funding also include any potential Federal funds? There is after all a section in the CALFED reauthorization bill which mirrors Chapter 8 of Prop. 50 to some extent. There may yet be Federal appropriation dollars to supplement Prop. 50 and language to that extent in the Bulletin 160-05 could be helpful in leveraging funds from the Federal appropriators.

Page 5-6. The performance measures (first bullet) does not mention, or recognize, the importance of Safety Elements in required General Plans for local governments.

Page 5-7. This section does an especially good job of pointing out the institutional challenges and opportunities of Integrated Regional Water Management. Very good!

Page 5-8. Resource Assumptions. The second bullet lays out the need for additional positions and funding. Perhaps referencing back to the comment on Page 5-5 with regards to Federal \$ we could once again mention a Federal responsibility?

Page 5-10. The opening paragraph on improving water quality has implications to the earlier (Page 5-8) reference of intended outcomes related to development of ground water plans and a model ordinance. Can we cross reference these two?

Page 5-30. The final paragraph on this page (Implementation Challenges) does not mention the role of non-governmental organizations (NGOs), nor does it appear to commit DWR to developing a relationship with NGOs that may be working on behalf of Environmental Justice efforts within the State. Can NGOs be added?

Volume 2 -

Resource Management Strategies Introduction -

Page 1-2. The final paragraph on this page is perhaps understated on the potential for these strategies to not be additive and to in fact be somewhat in conflict with each other.

The casual reader may miss this point entirely. Perhaps it should be added into a footer or other appropriate location near Table 1-1?

Chapter 10 -

Page 10-2. The footnote at the bottom of the page appears to be a somewhat “back of the envelope” estimate. Are there additional estimates available or is this all there is at this time?

In general this Chapter provides an overview of the notion of Floodplain Management. It does not however, strongly make the link between the requirements for local flood hazard recognition and planning within City and County General Plan Safety Elements. Perhaps OPR has some language they could offer here?

Chapter 12-

Page 12-5. The final item on this page (#4) ends with the phrase, “...*treat wastewater to the highest level possible.*” This seems to imply that economic feasibility, regulatory standards, or affordability are not factors in upstream areas. There is no basis for this presumption. Perhaps it should read, “...*and treat wastewater to the highest level which is required . If higher standards are required or desirable by downstream users then any additional treatment costs to achieve those standards should not be borne by upstream users.*”

Chapter 13 -

Page 13-6. The recommendations on this page do not identify the need for state technical assistance and financial assistance in support of local watershed restoration and management efforts. While there is presently some bonding funds available (Prop. 50) and the CALFED Bay-Delta Program has a watershed program underway, there is no statewide, sustainable funding source to support local agencies, governments and NGOs in planning and carrying out watershed efforts as anticipated in Chapter 13.

Item #5 should be expanded beyond its current focus to include institutional capacity building funding to facilitate these sorts of efforts.

Chapter 20 -

Page 20-1. It is not clear what the final phrase on this page (“...a more vibrant social fabric.” means.

Page 20-3. The discussion on disincentives for change is not a fair picture of the motives of why local governments develop their local plans in the way they do. The Plan (Bulletin 160-05) does a very good job of pointing out that there are significant

differences in California's various hydrologic regions. There should be a recognition within this narrative, that the actual landscape, soils, environmental hazards and infrastructure limitations (just to name a few) are additional factors that guide local governments in the development of land use policy decisions - including housing density. These conditions vary significantly from one part of the State to another. While urban infill strategies may work well on flat, uniform environments they have problems being practically adapted to the more "wrinkled" landscape of most of the State. Thus, existing local development policies should not be presumed to be a result of institutional biases in outdated plans. The existing paragraph's language is neither accurate nor constructive.

END